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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MA, JOHNNY	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/751,288	STEFANIK, JOHN R.	
	Examiner	Art Unit	
	Johnny Ma	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-15 and 20-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-15 and 20-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8-15, and 20-27 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 26, Applicant argues that "the method of light source activation begins with a 'motion detector in communication with the processor.'" However, the examiner respectfully disagrees and notes that the features upon which applicant relies (i.e., the method of light source activation begins with a 'motion detector in communication with the processor.') are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 26 recites "a motion detector in communication with the processor, wherein said processor can retrieve instructions from said storage area and then sends a signal to a light source to illuminate a portion of said input device." However, the limitation as claimed, does not require that the light source illumination by the processor is connected to the motion detector. Applicant further argues that "Thompson does not teach that the result of this coupling can be a signal to a light source to illuminate a portion of the device." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As noted in the rejection of the claim, the Chang reference discloses "[t]he microcontroller 46 also controls a light 52 for illuminating the display screen 12 and an IR transmitter 54 for controlling other devices."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 8-11, 20-21, 23-24, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,484,011 B1 of record) in further view of Eggen et al. (US 6,388,715 B1 of record) and Kikinis et al. (US 2002/0059597 A1).

As to claim 8, note the Thompson et al. reference that discloses a non-telephonic, wireless information presentation device. The claimed remote control device including "a processor" is met by microprocessor 32 as illustrated in Figure 2. The claimed "a remote control receiver in communication with the processor" is met by IR receiver 34 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "an input device in communication with the processor" is met by keyboard 15 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "an output device in communication with the processor" is met by LCD 14 and speaker 50 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "and an electronic device" including "a receiver for receiving signals from the remote control device" is met by IR or RF wireless link to the remote control (Thompson 3:53-61). The claimed "an electronic program guide; transmitter in communication with the electronic program guide; the transmitter for transmitting data from the electronic program guide to the remote control device" is met by IR or RF wireless link to the remote control (Thompson 3:53-61) wherein "[i]n the operation of the annunciator 10, a signal is received either by the IR receiver 34 or the RF

receiver 36 and such signal contains selected information, typically including an advertisement" (Thompson 5:48-51) and the display of TV programming for a particular channel or time period as shown in Fig. 9 (Thompson 6:10-16). Note the Thompson et al. reference discloses receiving selected information at the remote control device (Thompson 5:48-55). However, the Thompson et al. reference is silent providing scheduled alerts to a user. Now note the Eggen et al. reference that discloses a television receiver. The claimed "providing an alert to a user when a scheduled event occurs" is met by "[o]ne feature of this embodiment is that the auditive reminder or alert signal, which the receiver produces when a desired television program is about to start, is associated with the program category of the program" (Eggen 4:25-34) by comparing the start times with the data stored in the electronic program guide (Eggen 4:35-52). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. electronic program guide system with the Eggen et al. reminder system for the purpose of reminding users of upcoming programs of interest so that the user does not miss desired programming. However, the Thompson et al. and Eggen et al. combination does not teach wherein the remote control provides the alert to a user when a scheduled event occurs. Now note the Kikinis et al. reference that discloses a method and apparatus for notifying users of interactive functions (scheduled events). The claimed "wherein the output device is for providing an alert to a user when a scheduled event occurs" is met by "[d]isplay 410 may be used to alert a user of an interactive function (scheduled event)...Additionally, or in lieu of display 410, one or more of buttons 415 may flash or change colors to alert a user of an interactive function...It is also possible to incorporate some sort of audio tone or sound clip through a speaker (not shown) to act as a supplement or as a

replacement for the methods described above" (Kikinis [0045-0046]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. and Eggen et al. remote controller and reminder system with the Kikinis remote controller with scheduled event alerts for the purpose of providing a user notification regarding events of interest in situations where a user may not be in close proximity to the television system.

As to claim 9, the claimed "wherein the data include television program starting times" is met by "annunciator 10 can be programmed to display the programming on a number or all the channels over a short time period" (Thompson 6:39-43) wherein EPG data includes start time information as illustrated in Figure 9.

As to claim 10, the claimed "further comprising a telephonic device in communication with the transmitter" is met by "[i]t will be understood that the host device with which the annunciator 10 communicates, either by IR (34, 35) or by RF (36,37), to receive or transmit information, can be a cable decoder box, a satellite decoder box, a telephone company decoder box, a television set or a computer" (Thompson et al. 6:9-13).

As to claim 11, the claimed "wherein the output device includes at least one of a speaker and a light source" is met by LCD display and speaker 50 (Thompson et al. 5:39-42) and back-lighting to illuminate the visual display or sound producing circuitry (Thompson et al. 7:47-50). Also note the rejection of claim 8 regarding the remote control LCD screen and speaker.

As to claim 23, note the Thompson et al. reference that discloses a non-telephonic, wireless information presentation device. The claimed remote control device including "a processor" is met by microprocessor 32 as illustrated in Figure 2. The claimed "a remote control

receiver in communication with the processor" is met by IR receiver 34 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "wherein the remote control receiver is for receiving data from an electronic program guide" is met by "[t]he information received from the host device can be in compressed form, can be in the form of drawing commands, such that the software includes instructions for executing the drawing commands by drawing an image on the visual display 14 and/or can be a subset of an electronic program guide for display on the visual display 14 of the annunciator 10" (Thompson 7:37-43). The claimed "an input device in communication with the processor" is met by keyboard 15 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "an output device in communication with the processor" is met by LCD 14 and speaker 50 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "a data storage area in communication with the processor" is met by "[a] ROM/RAM 40 is coupled to a bus 42 connected to the microprocessor 32" (Thompson 5:36-67). However, the Thompson et al. reference is silent as to the remote controller receiving data that indicates the occurrence of a scheduled event. Now note the Eggen et al. reference that discloses a television receiver. The claimed "produce a customized alert associated with said scheduled event" is met by "[o]ne feature of this embodiment is that the auditive reminder or alert signal, which the receiver produces when a desired television program is about to start, is associated with the program category of the program" (Eggen 4:25-34) by comparing the start times with the data stored in the electronic program guide (Eggen 4:35-52) wherein "receiver further comprises user-operable means for selecting a desired television program to be received when it is broadcast; and means for reproducing the auditive signal which is characteristic of the program category of the selected television program when said television program is about to be

broadcast" (Eggen 1:56-63) wherein "[e]xamples of characteristic sounds are: a gong-stroke for news programs; a cheering audience for sports programs; a part of the tune of a James Bond film for movies" (Eggen 1:49-51). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. electronic program guide system with the Eggen et al. reminder system for the purpose of reminding users of upcoming programs of interest so that the user does not miss desired programming. However, the Thompson et al. and Eggen et al. combination does not teach wherein the remote control provides the alert to a user when a scheduled event occurs.

Now note the Kikinis et al. reference that discloses a method and apparatus for notifying users of interactive functions (scheduled events). The claimed output device produces a alert associated with said scheduled event is met by "[d]isplay 410 may be used to alert a user of an interactive function (scheduled event)...Additionally, or in lieu of display 410, one or more of buttons 415 may flash or change colors to alert a user of an interactive function...It is also possible to incorporate some sort of audio tone or sound clip through a speaker (not shown) to act as a supplement or as a replacement for the methods described above" (Kikinis [0045-0046]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. and Eggen et al. remote controller and reminder system with the Kikinis remote controller with scheduled event alerts for the purpose of providing a user notification regarding events of interest in situations where a user may not be in close proximity to the television system. The claimed wherein after the processor receives said data from the remote control receiver, the processor retrieves instructions from the data storage area, interprets said data based upon said retrieved instructions and controls said

output to produce a customized alert is met by the Thompson et al., Eggen et al., and Kikinis et al. combination as discussed above wherein "[a] ROM/RAM 40 is coupled to a bus 42 connected to the microprocessor 32 and the processor retrieves instruction from ROM/RAM for interpreting received data (Thompson 5:36-63) and to produce an alert associated with said scheduled event.

As to claim 20, please see rejection of claim 23.

As to claim 21, the claimed "wherein the data include television program starting times" is met by "annunciator 10 can be programmed to display the programming on a number or all the channels over a short time period" (Thompson 6:39-43) wherein EPG data includes start time information as illustrated in Figure 9.

As to claim 24, please see the rejection of claim 23.

As to claim 26, note the Thompson et al. reference that discloses a non-telephonic, wireless information presentation device. The claimed remote control device including "a processor" is met by microprocessor 32 as illustrated in Figure 2. The claimed "a remote control receiver in communication with the processor" is met by IR receiver 34 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "an input device in communication with the processor" is met by keyboard 15 coupled to microprocessor 32 as illustrated in Figure 2. Note, the Thompson et al. reference discloses "[i]f desired, back-lighting can be provide for illuminating the visual display 14" (Thompson 7:47-48). However, the Thompson et al. reference is silent as to the implementation of the back-lighting. Now note the Chang reference that discloses a talking remote control with display. The claimed "a light source in communication with the processor" is met by "[t]he microcontroller 46 also controls a light 52 for illuminating the display screen 12 and an IR transmitter 54 for controlling other devices"

(Chang [0020]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. back-lighting option with the Chang light source in communication with the processor for the purpose of providing an user the ability to use remote controller functions in low light conditions and a method to control activation of the light source. The claimed "a data storage area in communication with the processor" is met by "[a] ROM/RAM 40 is coupled to a bus 42 connected to the microprocessor 32" (Thompson 5:36-67). The claimed "a motion detector in communication with the processor" is met by "[f]urther, if desired, a motion detect circuit 54 can be coupled to the microprocessor 32, as shown" (Thompson 5:46-47). The claimed "wherein said processor can retrieve instructions from said storage area and then sends a signal to a light source to illuminate a portion of said input device" is met by the Thompson et al. and Chang combination teaching a remote controller with a light source controlled by the microprocessor wherein the microprocessor retrieves instructions from memory to control remote control functionality (Thompson 5:29-63) including back-light functionality. The claimed "an output device in communication with the processor" is met by LCD 14 and speaker 50 coupled to microprocessor 32 as illustrated in Figure 2. The claimed "an electronic device" is met by host device (Thompson 7:11-16). The claimed the electronic device including "a receiver for receiving signals from the remote control device" is met by "[i]t will be understood that the host device with which the annunciator 10 communications, either by IR (34,35) or by RF (36,37) to receive or transmit information..." (Thompson 7:11-16). The claimed "an electronic program guide" is met by "[t]he information received from the host device can be in compressed form, can be in the form of drawing commands, such that the software includes instructions for

executing the drawing commands by drawing an image on the visual display 14 and/or can be a subset of an electronic program guide for display on the visual display 14 of the annunciator 10" (Thompson 7:37-43). The claimed "a transmitter in communication with the electronic program guide, the transmitter for transmitting data from the electronic program guide to the remote control device" is met by the receiver, transmitter, and EPG as discussed above. However, the Thompson et al. reference is silent as to the remote controller receiving data that indicates the occurrence of a scheduled event and providing an alert. Now note the Eggen et al. reference that discloses a television receiver. The claimed "wherein the output device is for providing an alert to the user" is met by "[o]ne feature of this embodiment is that the auditive reminder or alert signal, which the receiver produces when a desired television program is about to start, is associated with the program category of the program" (Eggen 4:25-34) by comparing the start times with the data stored in the electronic program guide (Eggen 4:35-52). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. electronic program guide system with the Eggen et al. reminder system for the purpose of reminding users of upcoming programs of interest so that the user does not miss desired programming. However, the Thompson et al. and Eggen et al. combination does not teach wherein the remote control provides the alert to a user when a scheduled event occurs. Now note the Kikinis et al. reference that discloses a method and apparatus for notifying users of interactive functions (scheduled events). The claimed "wherein the output device is for providing an alert to a user when a scheduled event occurs" is met by "[d]isplay 410 may be used to alert a user of an interactive function (scheduled event)...Additionally, or in lieu of display 410, one or more of buttons 415 may flash or change

colors to alert a user of an interactive function...It is also possible to incorporate some sort of audio tone or sound clip through a speaker (not shown) to act as a supplement or as a replacement for the methods described above" (Kikinis [0045-0046]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. and Eggen et al. remote controller and reminder system with the Kikinis remote controller with scheduled event alerts for the purpose of providing a user notification regarding events of interest in situations where a user may not be in close proximity to the television system.

As to claim 27, the claimed "retrieve said instructions from said storage area; interpret said data using said instructions; and use said interpreted data to generate, as said alert, one of a plurality of different alerts associated with said scheduled event" is met by the Thompson et al., Eggen et al, and Kikinis et al. combination as discussed above wherein "[a] ROM/RAM 40 is coupled to a bus 42 connected to the microprocessor 32 and the processor retrieves instruction from ROM/RAM for interpreting received data (Thompson 5:36-63) and to produce an alert associated with said scheduled event.

4. Claims 12-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al, (US 6,484,011 B1 of record) in further view of Eggen et al. (US 6,388,715 B1 of record), Kikinis et al. (US 2002/0059597 A1), and Croy et al. (US 6,509,908 B1 of record).

As to claims 12-15, note the Thompson et al. reference discloses remote controller with a display (Thompson 3:14-25). However, the Thompson et al. reference is silent as to the use of smart cards. Now note the Croy et al. reference that discloses a personal navigator system. The claimed "wherein the remote control device further comprises a smart card reader/writer in

communication the processor" is met by the remote device 200 can be equipped with a reading interface 260 for smart cards (SC) and the like or a plug-in module interface 262 (Croy 5:35-44) and smart card can be used for storing user information (Croy 6:1-11) wherein a smart card writer is inherent to the successful storage of information on said smart card. The claimed "further comprising a smart card" is met by "smart cards can be cards with the standard magnetic stripe or more advanced with built-in memory or computer chip" (Croy 5:37-39). The claimed "wherein the smart card is configured to include information concerning at least one of a user profile, a user history, a favorite show, a favorite channel, a favorite theme, a channel order, a parental control, a pay-per view purchase, and a pay-per-view spending limit" is met by smart card may be used to store personal profiles of the customer (Croy 6:8-11). The claimed "wherein the smart card is configured to include information concerning at least one of a user Internet profile, an e-mail account, an Internet browser bookmark, an account name, an address list, a security feature, and a display format for Internet browsing on a television monitor" is met by "[a]fter reading the smart card, the user may additionally be asked to identify himself/herself through input of a smart card personal identification number (PIN, number, or code) for enabling special services" (Croy 6:12-21) and "smart cards can be used for identification or they can supply a small amount of (e.g., decremented data to enable services e.g. like telephony cards, Also, a conventional money card/cash card may be used to pay for services or load cash onto the card" (Croy 5:46-50). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. remote control with the Croy smart card for the purpose of providing security, profiles, and other

additional options to a user and allowing for easy expansion of services/options provided to a user.

As to claims 22, note the Thompson et al. reference discloses remote controller with a display (Thompson 3:14-25). However, the Thompson et al. reference is silent as to the use of smart cards. Now note the Croy et al. reference that discloses a personal navigator system. The claimed "wherein the remote control device further comprises a smart card reader/writer in communication the processor" is met by the remote device 200 can be equipped with a reading interface 260 for smart cards (SC) and the like or a plug-in module interface 262 (Croy 5:35-44) and smart card can be used for storing user information (Croy 6:1-11) wherein a smart card writer is inherent to the successful storage of information on said smart card. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. remote control with the Croy smart card for the purpose of providing security, profiles, and other additional options to a user and allowing for easy expansion of services/options provided to a user.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,484,011 B1 of record) in further view of Eggen et al. (US 6,388,715 B1 of record), Kikinis et al. (US 2002/0059597 A1), and Greenlee (US 5,274,550).

As to claim 25, note the Thompson et al., Eggen et al., and Kikinis combination discloses producing customized alerts. However, the Thompson et al., Eggen et al., and Kikinis combination is silent as to "wherein said processor detects activation of said input device and , responsive thereto, said processor turns off said customized alert." Now note the Greenlee reference that discloses a handheld device (Greenlee 2:7-8) for providing alerts to a user

(Greenlee 2:39-49). The claimed "wherein said processor detects activation of said input device and , responsive thereto, said processor turns off said customized alert" is met by a user may press a key to turn off the alarm before the time the alarm would normally turn off (Greenlee 3:35-38). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al., Eggen et al., and Kikinis et al. combination accordingly for the purpose of allowing the user to stop an alarm after they have been alerted in order to avoid disturbing the device user more than necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm

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